

### **REMARKS**

Applicant's attorney wishes to thank Examiners Suhol and Yoo for the courtesy of an interview regarding the present application during which the Examiner agreed that the proposed amendments to claims 21, 23, and 25 overcome the stated grounds for rejection.

This Amendment is being submitted with a Request for Continuing Examination and in response to the Final Office Action dated April 16, 2009 rejecting all of the pending claims. The application includes independent claims 21, 23, 25, 39, 40, and 41. Claims 3-6, 12, 13, 18-20, and 42 - 49 depend from claim 21. Claim 50 depends from claim 23 and claim 51 depends from claim 25. Claims 21, 23, and 25 have been amended, and claims 39 - 51 have been added. Claims 26 - 38 are canceled without prejudice and without admitting failure to comply with the written description requirement, anticipation, and/or obviousness. No new matter has been added. An attachment to this document indicates representative passages of the specification providing support for the claim amendments.

#### **Request for Reconsideration of Applicant's Response dated February 4, 2009**

Applicant respectfully requests reconsideration of the arguments made in the response dated February 4, 2009, which are herein incorporated by reference, because the Examiner erred in considering Applicant's arguments. Specifically, regarding Applicant's argument for traversal of claim 21, the Examiner states on page 18, li. 10-11, "Applicant fails to point out where the in the specification the term 'possession input' is clearly defined." Referencing page 22, lines 11-13 of Applicant's response, in which claim 21a is pointed out as defining the term "possession input" as "indicating the player in possession of the primary object of play". Claim 21a as originally filed reads as follows:

- a. receiving from said user interface, one or more types of possession input related to a plurality of events of the sports contest, whereby said possession input indicates the player in possession of the primary object of play,

As discussed in the interview, because the definition of the term “possession input” was included in the original claim 21a of the application, that definition is part of the specification, and Applicant did point where in the specification the term was defined. Because the Examiner never considered this version of claim 21 according to the appropriate definition of “possession input”, Applicant requests reconsideration of the rejection. The referenced version of claim 21 is reproduced in this amendment as new claim 39 and based on arguments previously presented and incorporated by reference is believed to be allowable.

Regarding claims 23 and 25 the Examiner substitutes the term “possession input” in the claim instead of interpreting the actual claim language “entries representative of the player in possession of the primary object of play”. See page 7, lines 19-21 of the office action. Because the Examiner did not interpret the claim language as written, Applicant requests reconsideration of the rejection. The referenced version of claims 23 and 25, rewritten to overcome the 112 2<sup>nd</sup> paragraph rejections, are presented as new claims 40 and 41 and based on arguments previously presented and incorporated by reference are believed allowable..

#### Rejection under 35 USC 112 2<sup>d</sup> paragraph

Claims 23 and 25 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Per the agreement reached during the interview referenced above, claims 23 and 25, as amended, are believed to comply with 35 USC 112 2<sup>d</sup> paragraph.

#### Rejection under 35 USC 102(b)

Pending claims 12-13, 18-19, 21, 23 and 25 stand rejected under 35 USC 102(b) as being anticipated by Descalzi US Pat. No. 6,148,242. Per the agreement reached during the interview referenced above, these claims are believed to overcome the 102(b) rejection. Applicant respectfully asserts that independent claims 21, 23 and 25, as amended, include features not found in the Descalzi reference. Specifically, amended claim 21 is directed to a system for real-time

tracking and recording events of a sports contest with a primary object of play. The sports contest includes offensive and defensive competitive interaction between at least a first team and a second team in opposition therewith. The system includes at least one computer including a processor portion, and a user interface portion. The computer is interactively operable with a user under control of a computer program associated with the processor portion thereof. The system further requires a computerized database accessible through the computer program with the database including information therein indicative of recorded events of the sports contest. The computer program includes a game module for controlling entry of information by the user during the sports contest, and the game module is operable to interpret the information regarding sports contest activities selectably entered by the user. The computer is programmed for receiving from said user interface, one or more types of possession input related to a plurality of events of the sports contest, said possession input indicating the player in possession of the primary object of play, and said possession input identifying a particular player and being entered by the user each time a new player takes possession of the primary object of play. The computer is also programmed for interpreting said possession input from said user interface and determining an event indicative of a change of possession of the primary object of play between the player and the new player based on said possession input. The computer is further programmed for receiving from the user interface, one or more types of event input related to a plurality of events of the sports contest and interpreting the event input from the user interface. The computer is further programmed for storing data representative of the events based on possession input and the events based on event inputs in the database.

In particular, Applicant asserts that the elements of claim 21b, interpreting said possession input from said user interface and determining an event indicative of a change of possession of the primary object of play between the player and the new player based on said possession input, is not present, or even suggested by, Descalzi. The Descalzi reference cannot interpret game events indicative of a change of possession of the primary object of play between the player and the new player, namely pass, steal or turnover, based on possession inputs identifying a particular

player. The cited reference does not appear to provide any indication when a pass is made between players, and it requires indentifying two particular players *and* steal and/or turnover as seen in column 5, lines 8 – 11 of Descalzi:

Actions or statistics are recorded during a game by moving the cursor on the LCD to a player row using the arrow keys in the left vertical group 17, and pressing the applicable action key in vertical group 18.

Because claim 21, as amended, is directed to a system that determines events indicative of a change of possession of the primary object of play between the player and the new player based on said possession input identifying a particular player and being entered by the user each time a new player takes possession of the primary object of play, and the cited reference does not disclose this feature, claim 21, as amended, is believed to be patentably distinguishable over Descalzi and allowable.

Claims 3-6, 12-13, 18 – 20 and 42 -49 depend from claim 21 and add additional distinguishing limitations, and therefore are also believed to be in condition for allowance.

Per the agreement reached during the interview referenced above, claims 23 and 25, as amended, also include features not found in the Descalzi reference. Claims 23 and 25, as amended, are directed to a system and method, respectively, for tracking and recording events of a fast paced or timed sports contest in real-time. The sports contest includes a primary object of play and offensive and defensive competitive interaction between at least a first team and a second team in opposition therewith, and each team having at least one player. The system and method include at least one computer user interface including a processor portion, a display portion, and an information entry portion. The computer user interface is interactively operable with a user under control of a computer program. The system and method further include a computerized database accessible through the computer program and the computer user interface. The computer program includes a game module for translating a series of user inputs into a series of sports contest events.

According to amended claims 23 and 25, the computer user interface is operable in accordance with the game module for accepting from the user at least one entry representative of information related to a plurality of events of the sports

contest, the at least one entry representative of information including an officiating indication, a player in possession of the primary object of play entered when the player takes possession of the primary object of play, or an event and interactively responding to the at least one entry of the user and communicating therewith to establish a particular event. The system can establish a particular event indicative of a change of possession of the primary object of play by deducing the particular event based on one entry or a series of entries representative of the player in possession of the primary object of play, or by deducing the particular event based on at least one entry representative of the player in possession of the primary object of play and a different event. Finally, the system or method displays the particular event for verification by the user and stores the particular event in the database.

The Descalzi reference does not disclose establishing an event indicative of change of possession of the primary object of play based on entries representative of the player in possession of the primary object of play entered when the player takes possession of the primary object of play, or based on entries representative of the player in possession of the primary object of play and a different event. (Note these claims do not use the term possession input.) Again, the cited reference does not appear to provide any indication when a pass is made between players, and it requires indentifying two particular players *and* steal and/or turnover. Further, events including assist, missed shot, rebound, inbounding the ball, recovery of a blocked shot, if available at are must be entered directly and cannot be deduced as described in claims 23 and 25. For example, the particular event “assist” is deduced based on an entry representative of the player in possession of the primary object of play prior to a different event “shot”, or the particular event “rebound” is deduced based on an entry representative of the player in possession of the primary object of play following a different event “shot” (Fig.10A). Because the Descalzi reference does not disclose, teach, or suggest establishing an event indicative of change of possession of the primary object of play based on entries representative of the player in possession of the primary object of play entered when the player takes possession of the primary object of play or based on entries representative of the player in

possession of the primary object of play and a different event, claims 23 and 25 are believed to be patently distinguishable from the reference and allowable.

Attendant advantages of the present invention include the ability of a user to track possession of the ball or object of play and events that occur during such tracking, such as a change of possession, a shot, a rebound, a basket, and so forth, as entered in essentially real-time as the game progresses. Entry of information is more efficient and additional information is available than with prior art systems. This additional information was previously difficult or impossible to obtain.

For example, newly added claim 42 is directed to generating reports including the length of time each player had possession of the ball. Using present methods for generating statistics this information is a very difficult to obtain, often requiring one or more task dedicated statisticians to sometimes measure only the possession time of a selected few players. The present invention can track the player in possession of the ball, recording the length of time of each possession. Using this system, the possession time statistic can be readily generated and reported.

In addition, claims 43 – 46 are directed to generating reports including results for every time each one of the players had possession of the primary object of play. These results can include events indicative of a change of possession of the primary object of play between the player and the new player, scoring events, and officiating events. For example, a chart can report how many times a player passed, shot, and turned-over the ball, and the total number of times the player had possession of the ball. Another chart can report how many times a player passed to each of his teammates, as well as the total number of passes. Using present methods for generating statistics, these charts are very difficult to create, often requiring one or more task dedicated statisticians to sometimes measure only the statistics of a selected few players. The present invention can track the player in possession of the ball, recording the length of time of each possession and the result of that possession.

Claim 47 is directed to a feature of the invention wherein the reports are producible at a point during the sports contest and the reports include information representative of the data stored in the database up to the point of the sports contest. At any time during the game any of the reports may be available to be viewed on a

display, to be printed, or to be sent to remote users. Reports can be generated during the game or after the game and can include all data up to the time of generation.

Claims 48 and 49 are directed to the feature of the invention wherein a scoring event input includes indicating information representative of a location of the player performing the scoring event thereby allowing reports to be generated including such information.

Claims 3-6, 12, 13, 18-20 and 42-49 depend from claim 21 and add additional limitations and features as described above. These limitations and features combined with those of the base claim 21 are not disclosed, taught, or suggested by the prior art, so these claims are all believed to be in condition for allowance. Claims 50 and 51 depend from claims 23 and 25, respectively, and add additional limitations wherein the computer user interface is further operable in accordance with said game module for interactively responding to the at least one entry of the user and communicating therewith to establish the particular event from a third set of events by interactively eliciting and responding to additional entries representative of information related to the plurality of events from the user by displaying, for selection by the user, additional choices based on the at least one entry until the particular event is determined, or from a fourth set of events by recognizing the at least one entry as the particular event. These limitations and features combined with those of the base claims 23 and 25 are not disclosed, taught, or suggested by the prior art, so these claims are also believed to be in condition for allowance.

As an Attachment to this paper, please find a table that indicates representative passages of the specification providing support for the claim amendments.

With the above amendments to the claims, all the claims are believed to contain elements that patently distinguish them over the cited prior art. Specifically, Applicant believes independent claims 21, 23, 25, 39, 40, and 41 and the dependent claims therefrom are now in condition for allowance. If the Examiner has any questions or comments, Applicant's attorney would appreciate a telephone call at the number indicated below.

Authorization is hereby provide to charge any underpayment of fees or  
any additional fees due with respect hereto to our Deposit Account No. 08-1280.

Respectfully submitted,

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# ATTACHMENT

Claim	Support
21a, 23a, 25a	p. 12, ll. 4-6 Each time a new player takes possession of the ball, the user selects the new player. The user may select players by typing jersey numbers using the key pad or by selecting the player's name ....
21a, 23a, 25a	p. 10, ll. 14-16 The Game Module . . . receives the real-time input of game activity as it occurs and translates that activity into game events.
21a, 23a, 25a	p. 3, li. 23 - p. 4, li. 1 Each time possession of the ball changes, an information entry is made at the User Interface, such as by making a player identification entry. The possession information, as well as additional game event information, is entered in essentially real-time as the game progresses
21b, 23b1, 25b1	p. 12, ll. 23-26 Each time the user selects a new player, the Game Module 20 will deduce that the ball has been passed to or stolen by the new player based on the team affiliation of the previous player in possession of the ball as compared to the present player in possession of the ball.
21b, 23b1, 25b1	p. 12, ll. 13-23 and Fig. 8 When a player in possession of the ball is entered, the system can compare the team of the player that previously had the ball with the team of the player that currently has the ball as shown in block 200. If the newly selected player in possession of the ball is on the same team as the previous player in possession of the ball, the previous player is credited with a pass to the new player as shown in block 210. If the new player in possession with the ball is on the opposing team, however, the previous player is charged with a turnover and the new player is credited with a steal as shown in block 220. The system deduces the events pass, turnover and steal based on the input stream of players in possession of the ball
42	p. 16, li. 26 - p. 17, li. 2 FIG. 16C shows a blow-up of the Possession Time Chart 1020 of FIG. 16 wherein the length of time each player had possession of the ball can be reported
43	p. 17, li. 11-12 Using this system, the Reporting Module 50 can create a chart to show the result of every possession of the ball for each player.

Claim	Support
43, 44, 45, 46	p. 17, li. 17-22 FIG. 17C shows a blow-up of the Action Chart 1070 of FIG. 17 wherein the result of each possession of the ball for the player can be reported. An Action Chart 1070 can report how many times a player passed, shot, and turned-over the ball, and the total number of times the player had possession of the ball. A Passing Chart 1080 can report how many times a player passed to each of his teammates, as well as the total number of passes.
43, 44, 45, 46	p. 18, li. 4-10 In addition to all standard basketball statistics, additional available statistics include a Possession Time Chart 1020, an Action Chart 1070 and a Passing Chart 1080. The passing chart represents how many times a player passes to each of the other players on the team. The action chart represents what a player does with the ball, (i.e. pass, shoot, or turnover). A user can define any type of report that uses standard statistics, the passing statistics, or a combination of both types of statistics.
47	p. 18, li. 17-20 At any time during the game any of the reports may be available to be viewed on a display associated with the User Interface 10 screen, to be printed or to be sent to remote users. Reports can be generated during the game or after the game and can include all data up to the time of generating.
48	p. 13, li. 2-4 The user indicates a shot has been made by selecting Shot 300 or by selecting the position on the court graphic 120 from which the player shot.
48, 49	p. 17, li. 15-17 FIG. 17B shows a blow-up of the Shot Chart 1060 of FIG. 17 wherein the location and results of the shots of the player are indicated on a basketball court graphic